84-640

CASE NO._____

IN THE
SUPREME COURT
OF THE UNITED STATES

SEPTEMBER TERM, 1984

MARTHA B. GAUNCE,

Petitioner,

v.

NATIONAL TRANSPORTATION SAFETY BOARD
and FEDERAL AVIATION ADMINISTRATION,

Respondents.

On Petition for Writ of Certiorari
to the United States Court of Appeals
for the Ninth Circuit
Title 28, United States Code, § 1254(1)

MOTION TO BRING UP RECORD

MARTHA B. GAUNCE
9348 Santa Monica Blvd. #101
Beverly Hills, California 90210
Telephone: (213) 273-3033

In Propria Persona

TABLE OF CONTENTS

	Page
Motion to Bring Up Record	1
Statement of the Nature of This Cause and of the Facts on Which This Cause Arises	2
Questions to be Posed to This Court	5

TABLE OF AUTHORITIES

Title 5, United States Code, Section 556(d), cited on pages 2 and 4

Federal Aviation Act of 1958, Pub.L. 85-726, 72 Stat. 731, Section 1001, cited on page 4

MOTION TO BRING UP RECORD

Pursuant to Rule 13 of the Rules of the Supreme Court, Martha B. Gaunce, in propria persona, respectfully moves the Court to request the clerk of court, United States Court of Appeals for the Ninth Circuit, to certify the entire record and transmit it to this Court.

Due to the truly exceptional circumstances surrounding her requests and motions for the record and the denial of these requests and motions in the administrative agencies below and the United States Court of Appeals denying her the facts based upon the relevant, probative, and substantial evidence to permit her to defend herself against the allegations of violations of Federal Aviation Regulations, this motion is tendered in this Court as mandatory to proper administration and expedition of judicial business.

Petitioner requests the Supreme Court to require the entire record in the cause to be sent up for its consideration and that the Court may decide the whole matter in controversy.

Statement of the Nature of This Cause and of the Facts on Which This Cause Arises

This action at law arises as a result of groundless and false fabrication of violation of Federal Aviation Regulations by agency personnel in perpetration of a hoax upon this petitioner. Based upon no discovery whatsoever made available to petitioner as required by the Administrative Procedure Act, Title 5, United States Code, Section 556(d), wherein is stated:

> "Except as otherwise provided by statute, the proponent of a rule or order has the burden of proof... A sanction may not be imposed or rule or order issued except on consideration of the whole record or those

> parts thereof cited by a party and supported by and in accordance with the reliable, probative, and substantial evidence..."

an Order of Revocation of the airman certificate issued to petitioner by the Administrator of the Federal Aviation Administration dated July 18, 1980. See Appendix D, page 10a, et seq.

Petitioner appealed the order to the National Transportation Safety Board, which agency continued the perpetration of this swindle, confidence game, by denying to petitioner the facts relevant to this action at law. There were no tape recordings made available to petitioner wherefrom it may be easily ascertained that she either did nor did not contact Cleveland Departure Control, or any station. There is no piece of paper made available to petitoner stating a request to inspect her logbook. There is no documented flight check to demonstrate lack of qualification

as an airman. No accident, no incident, no investigation. This action at law is a mockery of justice which may be easily ascertainable by production of the entire record, not only required by 5 U.S.C. § 556(d), cited above, but as set forth in Section 1001 of the Federal Aviation Act of 1958, Pub.L. 85-726, 72 Stat. 731, wherein is stated:

> "The Board (Civil Aeronautics Board) and the Administrator, subject to the provisions of this Act and the Administrative Procedure Act, may conduct their proceedings in such manner as will be conducive to the proper dispatch of business and to the ends of justice."

Further, Section 1001 states:

> "Every vote and official act of the Board and the Agency shall be entered of record..."

Petitioner requests that the Court take judicial notice of the Order of Revocation that it be apprised of the fact that the document originating this action at law has no number. There is no documentation

of any record into which this order has been entered.

Petitioner has, by every means known to an attorney, made demand upon these defendant agencies and the appellate court to provide her with the facts based upon the relevant, probative, and reliable evidence to prove her the victim of this hoax.

The questions to be posed to this Court are:

1. Was the action of the Federal Aviation Administration in denying due process to petitioner within the statutory and/or constitutional authority of the agency?

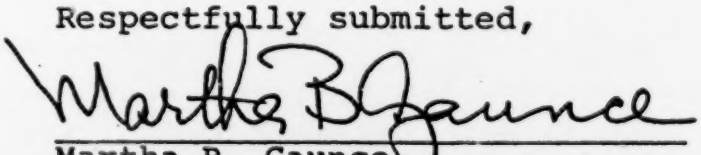
2. Was the action of the National Transportation Safety Board in denying due process to petitioner within the statutory and/or constitutional authority of the agency?

3. Has the United States Court of Appeals for the Ninth Circuit so far departed from the accepted and usual course of judicial proceedings, or so far sanctioned such a departure by an administrative agency and an independent agency, as to call for an exercise of the Court's power of supervision?

Petitioner in support of this motion shows the intentional, deceptive, and fraudulent representation of material fact upon which she was forced to rely, made with utter disregard of truth in its falsity by the Administrator of the Federal Aviation Administration, the Order of Revocation issued by the agency, Appendix D, page 10a, et seq.

If only in the interest of expedition of judicial business, petitioner respectfully moves this Court to request the clerk of court, United States Court of Appeals for the Ninth Circuit, to certify the entire record and transmit it to this Court.

Respectfully submitted,



Martha B. Gaunce
9348 Santa Monica Blvd. #101
Beverly Hills, California

DATED: September 19, 1984.